

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Applicant: Robert MARTUZA et al.  
Title: REPLICATION-COMPETENT HERPES SIMPLEX VIRUS MEDIATES  
DESTRUCTION OF NEOPLASTIC CELLS  
Appl. No.: 10/788,410  
Appl. Filing Date: 3/1/2004  
Examiner: SHEN, Wu Cheng Winston  
Art Unit: 1632  
Confirmation Number: 4953

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission **required** under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

☒ Please enter and reconsider the amendment and/or reply previously filed on March 12, 2010.

☐ Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_ but not considered.

☐ Please consider the arguments in the Appeal Brief or Reply previously filed on \_\_.

☒ Other – The Amendment filed March 12, 2010 has been entered per the Advisory Action issued on March 30, 2010.

b. Enclosed are:

☐ Amendment/Reply.

☐ Affidavit(s)/Declaration(s).

☒ Information Disclosure Statement.

☒ Form PTO/SB/08 with copies of 3 listed reference(s).

☐ Other .

Miscellaneous:

☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate		Fee Totals
RCE Fee 1.17(e):				\$810.00	=	\$810.00
Total Claims:	9	- 20	= 0	x \$52.00	=	\$0.00
Independents	1	- 3	= 0	x \$220.00	=	\$0.00

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First presentation of any Multiple Dependent Claims:	+	\$390.00	=	\$0.00
CLAIMS FEE TOTAL:				= \$810.00

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☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$130.00	0	\$0.00
<input checked="" type="checkbox"/>	Extension for response filed within the second month:	\$490.00		\$490.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$1,110.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,730.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,350.00		\$0.00
EXTENSION FEE SUBTOTAL:				\$490.00
EXTENSION FEE ALREADY PAID: -				\$130.00
EXTENSION FEE TOTAL				\$360.00
CLAIMS AND EXTENSION FEE TOTAL:				\$1170.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):			\$585.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
TOTAL FEE:				\$585.00

The above-identified fees of \$585.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date April 12, 2010

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5404  
Facsimile: (202) 672-5399

By /Yang Tang, Reg. 55663/

Stephen A. Bent, Reg. No. 29768  
By Yang Tang, Reg. No. 55663